

amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 821. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 822. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 823. (a) DIRECT APPROPRIATION.—Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: "There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter."

(b) CONFORMING AMENDMENT.—Section 11233 of the Balanced Budget Act of 1997 (sec. 24-133, D.C. Official Code) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 824. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 146, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill add the following new section:

TITLE ____

Sec. _____. The amount otherwise provided for under Title IV for the Federal Payment

for Resident Tuition Support is increased by \$1,000,000 and the amount otherwise provided for Salaries and Expenses of the Office of Special Counsel is reduced by \$1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this is a very simple amendment. I think it is a win-win. This amendment will reduce the appropriation to the U.S. Office of Special Counsel by \$1 million, but it redirects those funds to a far more deserving entity, District of Columbia students who wish to attend college, the D.C. College Access Act.

I was the original author of this legislation in 1999. This legislation essentially allows students in the District of Columbia to attend out-of-state universities and pay in-state tuitions because the District of Columbia does not have a state university system.

Since that time, what had once been a pipe dream for D.C. students, because college was so unaffordable to them, paying for private colleges and out-of-state universities, has become a reality and is becoming part of the culture of the District. It has doubled the number of students in the District of Columbia that are now able to go to colleges. It has doubled that number. It is changing the culture. It is changing the aspirations of these students.

This amendment, the \$1 million that is added here, will allow an additional 200 District of Columbia students to take advantage of this program and go on to higher education. There will be no waiting lists. There will be no backups. They won't have to wait to see if the money is there. It will be there for them.

If you want to change the culture of the city, we start with the education system. Mayor Fenty has started with a new system trying to revamp the public school system. But it doesn't do these students any good if they can't, at the same time, go on to higher education.

The other thing this has done is it has kept people in the District of Columbia. Instead of having to move to Virginia or Maryland to attend universities, they can now live in the District and afford to send their kids on to college. Aspiring students who come from, in many cases, single-parent or no-parent homes, can now work their way through colleges, community colleges and other state universities in the region, and be able to commute back and forth. This has been a win-win situation.

Now, we take this money from the Office of the Special Counsel. This office was increased by about \$800,000 this year over last year's appropriations. We are bringing them basically to the level of appropriation they had last year.

It is a troubled office. In February, Tom Devine of the Government Accountability Project testified before our committee that the Office of Special Counsel has become a caricature and an object of contempt among the constituencies it supposedly services. It illegally gags its own employees, engages in ugly retaliation against its staff and is engaging in heavy-handed obstruction of justice tactics to intimidate its own employees from testifying in ongoing investigations of its activities.

In April, Melanie Sloan, Executive Director of Citizens For Responsibility and Ethics in Washington, or CREW, said, "Having transformed OSC into a virtual black hole for legitimate complaints of retaliation, Bloch is decidedly not the right person to tackle issues of misconduct and illegality."

More recently, we witnessed a Special Counsel who is trying to rehabilitate himself. But Beth Daley, the Director of the Project on Government Oversight, was quoted last month as saying, "It is hard to believe the Office of Special Counsel will be able to conduct a thorough investigation into the White House while the Special Counsel is under investigation himself."

So I think this office can go back to the basic appropriation it had last year. This money can be better spent invested in the students of the District of Columbia as they aspire for higher education.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I have the utmost respect for the gentleman. He knows how much I respect his desire to improve every bit of the educational programs in D.C., but there are a couple of things we need to know.

First of all, this program is funded at \$35.1 million. Interestingly enough, when we approached the D.C. government about this program, we asked what amount they wanted, and this was exactly the amount which was the President's request. They told us that they did not want or need any more. So it is funded at the President's request.

The big problem with this, and what I want to speak about, is the message that this cut sends to the public and to those folks who like to spend a lot of time attacking Members of Congress on both sides. The Special Counsel's Office is involved at this very moment in some very sensitive and high-profile investigations having to do with whistleblower issues, having to do with the Hatch Act and having to do with so many other issues that we have read about and talked about for a while.

If you are talking about a bipartisan way of inviting attacks on Congress and criticism of Congress, this is probably the best way to accomplish that. Because for \$1 million to a program that is funded at the full presidential